

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

12-00077-4 P. 1 of 8

V.

AMENDED CRIMINAL COMPLAINT

FRANCIS G. GRADY
(d.o.b. xx/xx/62)

CASE NUMBER: 12-M-624

I, Patrick Lynch, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. **(Count One)** That on or about April 1, 2012, in the State and Eastern District of Wisconsin, Francis G. Grady maliciously damaged, by means of fire, a building, that is, Planned Parenthood, located at 3800 N. Gillett Street, Town of Grand Chute, Wisconsin, which was used in interstate commerce in violation of Title 18, United States Code, Section 844(i). **(Count Two)** That on or about April 1, 2012, in the State and Eastern District of Wisconsin, Francis G. Grady intentionally damaged the property of a facility because that facility provides reproductive health services, that is, Planned Parenthood, located at 3800 N. Gillett Street, Town of Grand Chute, Wisconsin, in violation of Title 18, United States Code, Sections 248(a)(3) and (b)(1).

I further state that I am a Special Agent with the Federal Bureau of Investigation, and this complaint is based on the following facts:

Please see the attached affidavit.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Patrick C. Lynch

Signature of Complainant
Patrick Lynch

Sworn to before me and subscribed in my presence,

4-4-12

Date

The Honorable James R. Sickel
United States Magistrate Judge
Name & Title of Judicial Officer

at Green Bay, Wisconsin
City and State

[Signature]

Signature of Judicial Officer

ORIGINAL

I, Patrick Lynch, being first duly sworn on oath, hereby depose and say:

I. EXPERIENCE

1. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since April 1987. During the time period of my employment with FBI, I have investigated arson offenses (Title 18, United States Code, § 844), and other crimes committed in furtherance thereof such as conspiracy (Title 18, United States Code, § 371).

2. As part of my employment, I have consulted with arson investigators in the past. These consultations included the basic principles of fire scene investigations and the determination of whether a fire was intentionally set. Accordingly, I am generally familiar with arson investigations.

II. BACKGROUND OF INVESTIGATION

3. This affidavit is submitted in support of an arrest warrant for Francis G. Grady, d.o.b. xx/xx/62. As detailed below, there is probable cause to believe that Grady has committed the offenses of arson of a building used in interstate commerce, in violation of Title 18, United States Code, Section 844(i), and intentionally damaging property of a facility that provides reproductive health services, in violation of Title 18, United States Code, Sections 248(a)(3) and (b)(1).

4. On April 1, 2012, at approximately 7:33 p.m., fire damaged the Planned Parenthood building located at 3800 N. Gillett Street, Town of Grand Chute, Wisconsin. The Grand Chute Fire Department responded to the fire scene. Lt. Michael Geissler of the Grand Chute Fire Department later advised law enforcement that he responded to the call and upon entry to the Planned Parenthood building observed fire damage to one of the interior rooms. He saw that one of the exterior windows on the south side of the building had been broken. The window sill had evidence of fire damage and a

deformed plastic bottle was located outside the building below the window. The interior wall located below the window was charred by fire. Based on my investigation of this case, I believe the property of Planned Parenthood was intentionally destroyed by fire.

III. FACTUAL BASIS ESTABLISHING PROBABLE CAUSE

5. Law enforcement spoke with M.T., a representative of Planned Parenthood. M.T. advised that Planned Parenthood was not open for business at the time of the fire and there were no employees in the business at the time of the fire. I am familiar with Planned Parenthood and know that it is a business that uses and affects interstate commerce. Further, it is a business that provides reproductive health services, that is, services relating to pregnancy or the termination of a pregnancy.

6. M.T. further provided law enforcement with video surveillance footage captured by a video camera located at Planned Parenthood. The recording showed a white van with a custom paint design enter the Planned Parenthood parking lot at approximately 7:33 p.m. An individual, believed to be Francis Grady, exited the driver side of the vehicle and approached the rear portion of the building that was later discovered to have been destroyed by fire. The individual appeared to be carrying a water bottle and a hammer. The individual smashed a window to the Planned Parenthood building with the hammer and, shortly thereafter, a fire ignites. Flames are observed inside the building and around the window. The individual appeared to have ignited portions of his jacket in the process of starting the fire. The individual then walked away from the building, entered the white van, and exited the parking lot.

7. Law enforcement suspected that Francis Grady was the individual that intentionally destroyed the Planned Parenthood building by fire because, in part, he was involved in a traffic accident and later arrested for operating while intoxicated on April 1, 2012, at approximately 9:00 p.m.

in the city of Kaukauna, Wisconsin. At the time of that incident, Grady was driving a white van that matched the description of the van depicted in the Planned Parenthood video.

8. I know that on April 2, 2012, Francis Grady was arrested in Appleton, Wisconsin, based on allegations that he violated terms of his probation. I interviewed Grady that day at the Grand Chute Police Department at approximately 11:30 p.m. Grady was advised of his *Miranda* rights, waived same, and agreed to speak with me. Grady admitted that he was the operator of the white van during the evening hours of April 1, 2012. Grady said he “lit up the clinic” which I believe is in reference to the Planned Parenthood clinic. Grady advised he obtained a plastic water bottle at a local gas station and filled it with gasoline. He then traveled to the Planned Parenthood building where he broke out an exterior window with a hammer. He reached in and poured gasoline inside the building. He lit the gasoline with a lighter which ignited the interior room of the building. Grady saw a large flame coming from the building. In the process of lighting the building, he also ignited the sleeve of his jacket. Grady then left the building in his white van.

9. Grady advised he has protested against abortions in front of that Planned Parenthood clinic on prior occasions. Grady said he is pro-life, believes in God, and disapproves of the activities taking place at the clinic.

IV. CONCLUSION

10. Based upon the foregoing information, I believe there is probable cause to believe that Francis G. Grady has committed the offenses of arson of a building used in interstate commerce, in violation of Title 18, United States Code, Section 844(i), and intentionally damaging property of a facility that provides reproductive health services, in violation of Title 18, United States Code, Sections 248(a)(3) and (b)(1), on the above referenced date.

11. Because this affidavit is offered for the limited purpose of supporting the criminal complaint and arrest warrant for Francis G. Grady, I have not set forth every fact known to me regarding this incident. Rather, I have included only those facts which I believe establish probable cause.

Patrick C. Lynch
Affiant Patrick Lynch

Subscribed and sworn to before me
this 4 day of April, 2012.

[Signature]
Notary Public

My commission expires: August 4.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

12-MJ-624

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 12-M-624

FRANCIS G. GRADY,

Defendant.

**IN THE MATTER OF THE APPLICATION AND ORDER
FOR A WRIT OF HABEAS CORPUS AD PROSEQUENDUM**

**TO: The Honorable James R. Sickel
United States Magistrate Judge
Eastern District of Wisconsin**

The petition of the United States Attorney for the Eastern District of Wisconsin respectfully shows to this Court that

**FRANCIS G. GRADY
d.o.b.: XX-XX-1962**

is a defendant in the above-entitled action, whose appearance is necessary for an initial appearance. That petitioner further alleges that the initial appearance hearing will be held before the Honorable James R. Sickel, 125 S. Jefferson Street, Room 201, Green Bay, Wisconsin, commencing on **April 4, 2012 at 1:30 p.m.**

The petitioner has been informed and believes that

**FRANCIS G. GRADY
d.o.b.: XX-XX-1962**

is now confined at the **Outagamie Jail, Appleton, Wisconsin**, at which institution said person is committed pursuant to the Order of a Court of the State of Wisconsin.

WHEREFORE, your petitioner prays that this Honorable Court order that a Writ of Habeas Corpus for Prosecution be issued from this Court to the Warden of the **Outagamie Jail, Appleton, Wisconsin** requiring him/her to produce the body of the said

FRANCIS G. GRADY
d.o.b.: XX-XX-1962

at the time and place set forth above, and after said proceedings to return the prisoner to said institution under safe and secure conduct.

Dated at Green Bay, Wisconsin, this 3^d day of April, 2012.

Respectfully submitted,

JAMES L. SANTELLE
United States Attorney

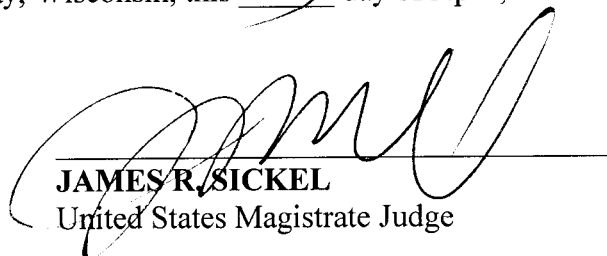


WILLIAM J. ROACH
Assistant United States Attorney

Upon the foregoing petition,

IT IS HEREBY ORDERED that a Writ of Habeas Corpus For Prosecution be issued as prayed for in the foregoing petition.

Dated at Green Bay, Wisconsin, this 3 day of April, 2012.



JAMES R. SICKEL
United States Magistrate Judge